

IFW 1638
AR

Atty Docket No. : 2577-115

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Qi XIE *et al.*

Serial No.: 09/889,926

Filed: September 18, 2001

For: NAC1-A PLANT GENE ENCODING A TRANSCRIPTION
FACTOR INVOLVED IN COTYLEDON AND LATERAL ROOT
DEVELOPMENT

Group Art Unit: 1638

Examiner: Stuart F. BAUM

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 25, 2004, rejecting the following claims: 1, 4-7, 11-23.

An extension of time is requested for three months. The required fee for this extension of time is \$950.00 (large entity) minus the \$110.00 for a one month extension of time previously paid for by the applicant on April 19, 2004. Therefore the amount due for this extension is \$840.00. Attached is a check in the amount of \$1,170, which includes \$840.00 for the extension of time and the requisite fee of \$330.00 for the Notice of Appeal.

The Commissioner is authorized to charge any additional fees not covered by the check amount or credit any overpayment to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

By



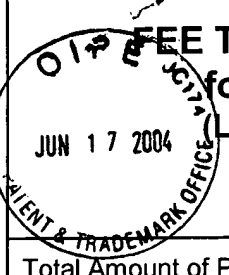
Barbara Webb Walker
Attorney for Applicants
Registration No. 35,400
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040



06/18/2004 JBALINAN 00000046 09889926

01 FC:1401
02 FC:1253

330.00 OP
840.00 OP

 FEE TRANSMITTAL for FY 2004 (Large Entity)		Complete if Known	
		Application Number	09/889,926
		Filing Date	September 18, 2001
		First Named Inventor	Qi XIE
		Examiner Name	Stuart F. BAUM
		Group Art Unit	1638
Total Amount of Payment	(\$1,170.00	Attorney Docket Number	2577-115

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status
2. ☒ Payment Enclosed
- ☒ Check
- ☐ Credit Card

FEE CALCULATION
1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
1001	750	Utility filing fee	[]
1002	330	Design Filing Fee	[]
1003	520	Plant Filing Fee	[]
1004	750	Reissue Filing Fee	[]
1005	160	Provisional Filing Fee	[]

SUBTOTAL \$
2. CLAIMS

	Extra Claims	Fee	Fee
Paid			
Total Claims	[18] - 20** = [] x	\$18 = []	
Independent Claims			
Claims	[5] - 3** = [] x	86 = []	
Multiple Dependent Claims	+	290 = []	

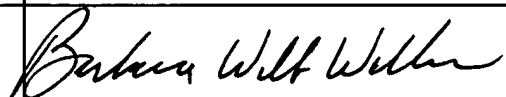
**or number previously paid, if greater;

SUBTOTAL \$
FEE CALCULATION (continued)
3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	[]
1052	50	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
1251	110	Extension for reply within first month	[]
1252	420	Extension for reply within second month	[]
1253	950	Extension for reply within third month	[\$840]
Note: \$950.00 minus \$110.00 paid on 4.19.04)			
1254	1,480	Extension for reply within fourth month	[]
1255	2,010	Extension for reply within fifth month	[]
1401	330	Notice of Appeal	[\$330]
1402	330	Filing a brief in support of an appeal	[]
1403	290	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
1452	110	Petition to revive -unavoidable	[]
1453	1,330	Petition to revive - unintentional	[]
1501	1,330	Utility issue fee (or reissue)	[]
1502	480	Design issue fee	[]
1503	640	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
1809	770	Filing a submission after final rejection (37 CFR .129(a))	[]
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	[]
1801	770	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$ 1,170.00

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Barbara Webb Walker, Reg. No. 35,400				
SIGNATURE		DATE	JUNE 17, 2004	DEPOSIT ACCOUNT USER ID	02-2135